38. 21—2—Collegiate Education—Science Materials

Rao Sahib I. N. Menon *(Director of Public Instruction):* Sir, I rise to move an additional allotment of Rs. 2,100 under "21—2 Collegiate Education Science materials". The need for the additional allotment arises because on actual distribution of the existing provision of Rs. 12,500 under this head it is found that there is a deficit to work one department namely the Netural Science Department. This Department has to purchase specimens, chemicals, charts, diagrams and other sundry articles of laboratary use, some instruments have also to be got renewed while others have to be replaced and the museum department have to be extended. For this purpose the allotment made to the Department is not sufficient and no savings are expected. I request the House may be pleased to grant the small sum of Rs. 2,100.

Demand put and carried.

LEGISLATIVE BUSINESS

OFFICIAL BILLS

1. The Cochin Payment of Salaries and Allowance Act (Amendment) Bill

Mr. B. V. K. Menon *(Chief Secretary to Government)* : I request that the Cochin Payment of Salaries and Allowances Act be taken up and finally passed.

Mr. M. Sivarama Menon *(Advocate-General)* : I second it.

Motion put and carried

2. The Cochin Press and Registration of Books Act (Amendment) Bill

Mr. M. Sivarama Menon *(Advocate-General)* : I beg to move that the Cochin Press and Registration of Books Act (Amendment) Bill be read in Council.

Mr. K. S. Raghavan *(Secretary to Government)*: I second it.

Mr. M. Sivarama Menon *(Advocate-General)*: The principle embodied in this Bill is now open to discussion. The main purpose of this amending Bill is to introduce the word "paper" in section 3 of the Cochin Press and Registration of Books Act. The other amendments are consequential to the introduction of that word in section 3. When this legislation was first enacted in 1097, the word "paper" was really intended to be in section 3 ; but by some mischance that word happened to be omitted in the final draft. This omission recently came to the notice of Government when a paper containing a scurrilous attack against an individual was published without the name of the printer or publisher. No action was possible in respect of that anonymous publication as it did not fall within the ambit of section 3. This Amending Bill is to cure this defect which has been brought about by the omission of the word "paper" in section 3. This amendment serves the purpose of the general public. It is especially necessary where there are political parties. Anonymous publications on matters of public interet or at or after elections have to be prevented. There must be responsibility fixed on some one for the publication so that there may be no necessity for conducting a roving enquiry to detect the person responsible for the publication. Such enquiries may, at times, even be fruitless. The public therefore must be in a position to know who the printer and publisher of any pamphlet or book or newspaper is. Section 3 as it stands applies only to books and newspapers. Leaflets, pamphlets and bits of paper with matter printed on them are not within the ambit of section 3. The introduction of the word "paper" in section 3 will include within its scope leaflets, pamphlets and bits of papers in which matter is printed.

Some of my Hon'ble friends put an intelligent question yesterday whether even an ordinary printed invitation will not fall within the mischief of section 3 if the amending Bill is agreed to. I fully agree that section 3 will be attracted even in such cases. This point has been discussed in the decision of the Bombay High Court in A. I. R. 1937 Bombay, page 28, at page 29. His Lordship Justice Beaumont, Chief Justice, has made the following observations.—

"The Advocate-General argues that the only meaning which can be given to the expression 'paper printed' is that it includes every piece of paper on which any letter, figure or sign is printed, and that every such piece of paper falls within the mischief aimed at by the Act. The view has been expressed by the Chief Justice of the Patna High Court in A. I. R. 1931 Patna 351 that the word "paper" in section 3 is practically synonymous with "newspaper". There is

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much to be said for this view, though, of course the argument against it is that when the legislature intended to refer to a newspaper it did so in express terms. If the contention of the Advocate-General be correct as to the meaning of paper, it would seem to follow that offences against section 3 of the Act are committed by practically everybody from the Viceroy and Governors downwards. Every invitation to dinner or to a party of any sort which is printed, every printed notice from a club secretary to members, every printed visiting card would be 'paper printed' within the meaning attributed to the expression by the Advocate-General and would require to have printed upon it the name of the printer and place of printing. No doubt section 21 provides some safeguard in that it enables the Government to exclude certain classes of books or papers from the operation of the Act, but I should certainly feel great hesitation in giving to the words used in section 3 the wide meaning attributed to them in the argument of the Advocate-General."

Section 20 of our Act empowers the Government to exempt certain classes of books or newspapers from the operation of the Act. It is proposed to introduce the word "paper" in section 20 also in order that Government may be enabled to exclude from the operation of the Act such papers as ordinary invitations, etc. In spite of the decision reported in A. I. R. 1937 Bombay, the Indian Legislature has not yet chosen to change the word "paper" appearing in their corresponding section probably because it is safer to have this wider expression to eliminate the possibility of evasion if the scope is narrowed down by the use of another word. The meaning of the words "pamphlet" and leaflet" will not exhaust all kinds of publications which ought to be brought within the scope of section 3. If, however, the legislature is able to find a better word than "paper" which will effectively serve the purpose of section 3, Government will have no objection to adopt it. But experience gained so far in British India and elsewhere has not justified the change of the word "paper".

The intention of the Government is, as I said before, in the interests of all persons and hope that no objection can be taken to the early passage of this amending Bill through this House.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Press and Registration of Books Act (Amendment) Bill.

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the President may be pleased to suspend Standing Order No. 32.

Mr. Deputy President: S. O. No. 32 is suspended.

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Cochin Press and Registration of Books Act (Amendment) Bill may be taken up for consideration.

Mr. B. V. K. Menon *(Chief Secretary to Government):* I second it.

Motion put and carried

Clauses 2 and 3 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move an amendment to sections 12 and 20 of the Act. The latter is for the purpose of enabling Government to grant exemptions in respect of papers like invitations, etc. I move the following amendment.—"In section 12 of the Act for the word "newspaper" the word "paper" shall be substituted and in section 20 for the words "books or newspapers" the words "books, papers or newspapers" shall be substituted.

Mr. B. V. K. Menon *(Chief Secretary to Government):* I second it.

Amendment put and carried

Clause 4 as amended put and carried

Clauses 5, 6 and 7 put and carried

Title and preamble put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg leave of the House to have the permission for the final reading of the Bill tomorrow because tomorrow is a non-official business day.

Motion put and carried

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